IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE NINTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 9070 of 2004

Between:

T. Pitchaiah, S/o Venkataiah,
O/o E.101820, Driver, APSRTC, V.D. Puram Depot,
Vijayawada

..... PETITIONER

AND

The Depot Manager, Vidhyadhrapuram, APSRTC, Vijayawada.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate Writ, Order or direction, more particularly one in the nature of Writ of CERTIORARI issuing rule nisi and call for the records inclusive of leading up to the issuance of proceedings No. M1/1(51)/2003-VDP, dated 4-5-2004 of Respondent as illegal arbitrary without jurisdiction and voilative of principles of natural Justice and consequently quash the same in the interest of justice

Counsel for the Petitioner:SMT.CHINTALAPUDI LAKSHMI KUMARI

Counsel for the Respondent: Sri R. Manmohan Reddy

SC for APSRC.

The Court made the following :

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ORDER:

Heard both sides and at their request the main Writ Petition itself is taken up for disposal.

The petitioner who is working as Conductor with the respondent-Corporation, files this Writ Petition inter alia, seeking to challenge the order, removing him from service, as per the proceedings dated 4.5.2004.

Though several contentions have been urged on behalf of the petitioner that he has got justifying reasons in respect of allegations which only pertaining to

absence of a day or two, yet such a serious action has been taken, which is absolutely inconsonance to the gravity of the offence alleged.

However, having heard the learned counsel on either side and also on perusal of the material, it is seen that an order was passed removing the petitioner from service, against which, a regular appeal is provided for on administrative side and that apart, the petitioner has got an alternative and efficacious remedy by raising a dispute under Section 2-A of the Industrial Disputes Act.

In view of the same, the very Writ Petition filed under Article 226 of the Constitution of India is not maintainable nor any indulgence can be shown in favour of the petitioner.

Accordingly, the Writ Petition is dismissed with a liberty to the petitioner to avail the remedy, which is available to him under law.

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B. Prakash Rao, J

9th December, 2004

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To

1 The Depot Manager, Vidhyadhrapuram, APSRTC, Vijayawada.

2. Two CD Copies